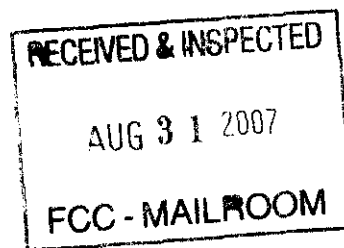


07-106
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August 29, 2007

Secretary
Federal Communications Commission
Washington, D.C. 20554

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: File No. 0002919005/WPMP 967

**REQUEST FOR PARTIAL RECONSIDERATION OF DECISION OF GRANT, DATED
AUGUST 12, 2007, AND REQUEST FOR STAY**

On behalf of National Science and Technology Network Inc (NSTN), this is a Petition for Partial Reconsideration of the grant of the subject File Number and a request for stay of the effectiveness of the change to NSTN's stations from FB8T to FBT.

This is also a request for the FCC to issue an "erratum" to DA 07-85 to correct the proposed station class designator for trunked repeater stations that are REQUIRED TO MONITOR from FBT to FB6T.

This grant was a modification of Call Sign WPMP 967. However the law of unintended consequences appears to be applicable in this case. The station class designator at the top of the license clearly states "YG". Yet the temporary FBT stations that were put on the application by the coordinator at the FCC's urging are by their nomenclature "IG" conventional. The FCC has never allowed conventional and trunked stations to be licensed under the same Call Sign.

The grant appears to be based upon FCC DA 07-85 Notice of Proposed Rulemaking (which has not yet become law) which speaks in the "DISCUSSION" section of the proposed change in FCC policy regarding FB8T stations which it says will no longer be granted as "new" and will only be "renewed" as FBT stations.

FBT denotes a conventional base station. This is compatible with an IG type station license. However in a trunked YG repeater system such as NSTN operates, the monitoring requirement is denoted by FB6T licensing. We believe that what the Commission intended to say was that FB6T would be the new station class designator for YG repeater stations at temporary locations.

When the new license for WPMP 967 was printed all of the FB8T stations were converted to FBT. This action immediately jeopardized the ability of NSTN continue to operate its 471.425 MHz and 472.525 MHz FB8T trunked repeater stations at Pleasant's Peak while awaiting the grant of the permanent licenses which includes these frequencies at this location that were applied for many months ago under File Numbers 0002864440 coordinated by FIT and 0002919013 coordinated by PCIA. We hereby again request expedited action to grant those applications. DA 07 2815 said that we were going to get a "grant-in-part" that would give us 471.425 MHz at Pleasant's Peak but not 472.525 MHz because of objections from El Segundo. We have since submitted evidence to the Commission which proved that El Segundo's station at nearby Sierra Peak has never been constructed, thereby rendering moot their adjacent channel interference complaint.

The Rules allow a temporary station to operate for up to one year at the same location. If continued operation is desired at that location after one year, an application for a permanent license must then be filed. However the Rules do not address this situation where grant of the new application is delayed, and the temporary location YG repeater station license is downgraded to authorize only a conventional station in the interim. This leaves NSTNs trunked repeater system in the lurch!

This action went far beyond the policy change proposed under DA 07-85. The action is tantamount to a revocation of NSTN's FB8T license which otherwise did not expire until October 30, 2013. The reprint of the license was not a "renewal" but simply a modification that added additional sites on some frequencies to the license while keeping the same expiration date. The subject application made no request for any changes to either of these frequencies. The FCC gave no advance warning of its actions in this case. The FCC took it upon itself to treat a "modification" application as a "renewal" application, and mandated unauthorized changes to the license on frequencies for which no modification was requested.

In this particular case there are no co-channel licensees on either of these 2 channels or within 7.5 kHz on any adjacent channel in the area. Therefore, there is nobody whose rights would be infringed upon by NSTN's continued operation at its temporary location of repeaters on the 2 subject channels.

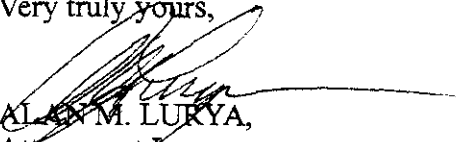
Because in the DA 07-85 NPRM the FCC only addressed this issue in the "DISCUSSION" section and did not actually assign a Part 90 Rule section number to this issue, it should be relatively easy for the FCC to issue an "erratum" to correct this error.

NSTN hereby protests the revocation/downgrade of its FB8T licenses without adequate notice or opportunity to file an opposition before the FCC took action or to be given a public hearing as required by law.

Furthermore NSTN has about 10 other pending trunked applications (within the range of 0002919001 - 0002919013) that have been amended by PCIA to FBT. This was done in response to an FCC "Return Notice" requesting this change, and this error also needs to be corrected.. We believe that the most efficient way for this to happen is for the FCC to make the correction on its own motion to the pending applications.

My company, License Communications Services Inc also has an application pending (0002919008) that is affected by this same problem. This matter should be solved for all licensees.

Very truly yours,


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cc:

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